



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

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3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

August 2, 1996

TO: Board of Oil, Gas and Mining

THRU: Lowell P. Braxton, Deputy Director *LPB*

THRU: D. Wayne Hedberg, Permit Supervisor *DWH*

FROM: Lynn Kunzler, Senior Reclamation Specialist *LK*

RE: Request for Formal Release of Mined Land Reclamation Contract, Interstate Brick Company, Big Cottonwood Mine, M/035/003, Salt Lake County, Utah

On July 30, 1996, Interstate Brick Company (IBC) requested full release from further reclamation obligations for the Big Cottonwood Mine site, located in Section 23, T2S, R1E, Salt Lake County. Following numerous years of mine inactivity, Interstate Brick Company sold the mine property to City Development Corporation (CDC). However, final reclamation obligations for the site remained with IBC under the original Board Contract.

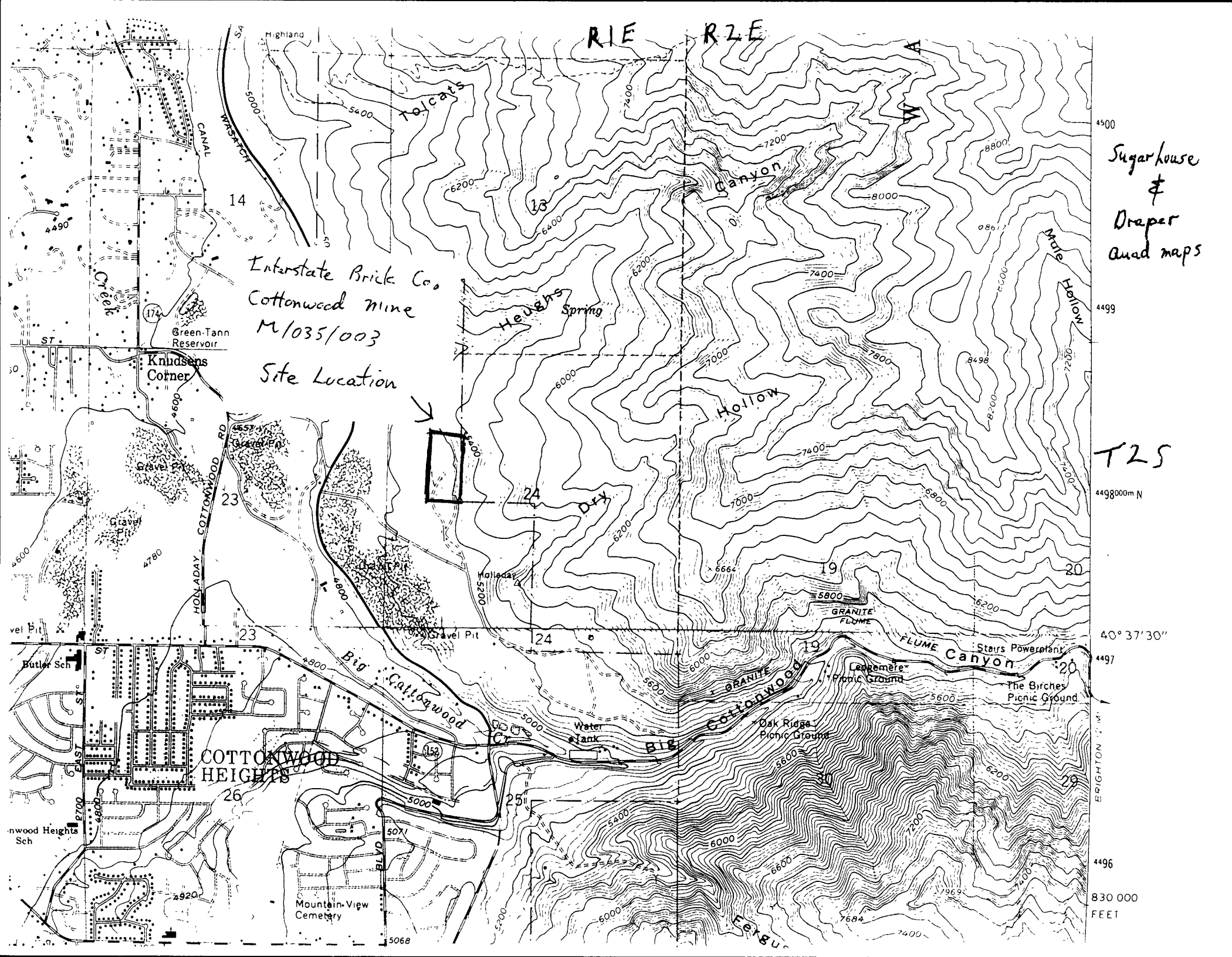
Reclamation of the site was initiated in the fall of 1992. Supplemental reclamation work was performed in the spring of 1994 (berming enhancements and ripping of minor compacted areas). Additional reseeding of approximately 4 acres was accomplished in the spring of 1995. On July 3, 1996, Division staff along with Walt Plumb, landowner (CDC), inspected the Big Cottonwood Mine site, to determine if release could be made (copy of inspection memo attached).

The reclamation success at the site was very commendable. While only two growing seasons have passed since the last augmented seeding, the percent ground cover is within ½ of one percent of the success standard of 70% of premining cover. City Development Corporation now has County approved redevelopment plans for an expansion of the existing Canyon Cove housing development onto this property. Mr. Plumb indicated that as soon as the site was released, he would be adding sprinkler systems, landscaping plantings, additional topsoil in critical areas, etc. to develop the 'no build zone' into a park for the local residents. This would be expected to improve the vegetative cover and stability of the site. Given the present level of ground cover and the diversity of species on site, the Division will not require any additional reclamation (reseeding) at this site.

Division personnel have been informed that seeding and irrigation will continue as part of the post mining land use. We respectfully request that IBC be released from further regulation under the Mined Land Reclamation Act and that the existing Board Contract be dissolved. Thank you for your consideration of this request.

jb
Attachment: 7/3/96 inspection memo, site location map
M035003.req







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July 18, 1996

TO: Minerals File

FROM: Lynn Kunzler, Reclamation Specialist 

RE: Site Inspection, Interstate Brick, Cottonwood Mine, M/035/003, Salt Lake County, Utah

Date of Inspection: July 3, 1996
Time of Inspection: 10:30am
Conditions: clear
Participants: Walt Plumb; Tony Gallegos and Lynn Kunzler, DOGM

Purpose of Inspection: Determine level of reclamation success.

Upon arrival at the site, ten random transects were run to determine the percent ground cover of the reclamation. Results of this survey identified ground cover at 24%. The reclamation success standard (pre-existing vegetation cover was reported as 25% brush and 10% oak for a combined cover of 35%) would be 24.5%. Over 20 desirable species were observed while determining the vegetation cover, including yellow sweetclover, sagebrush, oakbrush, rabbit brush, california poppy, blue flax, cone flower, and bluebunch wheatgrass.

General observations of the site showed a few small areas of low vegetation cover (these areas had a significant amount of surface rubble (rock) that was probably limiting the vegetation success). No evidence of erosion problems were observed. Overall, the site appeared stable and revegetation was well on its way with a diverse vegetation community establishing.

In discussing the future of the site with Walt Plumb, he indicated that as soon as the site was released, that he would be adding sprinkler systems, landscaping plantings, additional topsoil in critical areas etc. to develop the 'no build zone' into a park for the local residents. This would be expected to improve the cover and stability of the site.

Pursuant to Rule R647-4-111.13, reclamation can be considered successful when the revegetation has reached 70% of the premining ground cover and has survived for three growing seasons following the last seeding, fertilization or irrigation, unless such practices are to continue as part of the post-mining land use; or the Division determines that the revegetation work has been satisfactorily completed within practical limits.

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July 18, 1996
Cottonwood Mine Inspection
M/035/003

The area was seeded in 1994 following additional earth work to increase safety from any debris flows from above the site. Additional seeding was also done in the spring of 1995. While only two growing seasons have passed since the last seeding, the percent ground cover is within ½ of a percent of the success standard. However, it is likely that the '10% oak' cover would not all be ground cover, but would include some canopy cover, a reduction of less than 1% of the ground cover would mean that the revegetation success standard has been achieved. Given the level of ground cover and the diversity of species on site, the Division would not require additional work at this site to meet success standards - only time (one more growing season would be needed). Division personnel have been informed that seeding and irrigation will continue as part of the post mining land use. By applying this disclaimer, the initial seeding has survived the three growing seasons. It is recommended therefore, that this site be released from further regulation under the Mined Land Reclamation Act.

cc: Jerry North, Interstate Brick Company
Walt Plumb, Landowner
M035003.ins

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
BOARD OF OIL, GAS AND MINING
1588 West North Temple
Salt Lake City, Utah 84116

File Copy

RECEIVED
JUL 20 1977

* MINED LANDS RECLAMATION CONTRACT *

THIS CONTRACT, made and entered into this 23rd day of August, 1977, between Entrada Industres, Interstate Brick Div. a corporation duly authorized and existing under and by virtue of the laws of Utah as party of the first part, and hereinafter called the Operator, and the Board of Oil, Gas, and Mining, duly authorized and existing by virtue of the laws of the State of Utah, as party of the second part hereinafter called the Board.

WITNESSETH:

WHEREAS, the Operator is the owner and in possession of certain mining claims and/or leases hereinafter more particularly mentioned and described in Exhibit "A" attached hereto.

WHEREAS, the Operator did on the 28th day of January 1977, file with the Division of Oil, Gas, and Mining, a "Notice of Intention to Commence Mining Operations" and a "Mining and Reclamation Plan" to secure authorization to engage, or continue to engage, in mining operations in the State of Utah, under the terms and provisions of the Mined Land Reclamation Act, Section 40-8, UCA, 1953;

WHEREAS, the Operator is able and willing to reclaim the above mentioned "lands affected" in accordance with the approved mining and reclamation plan, the Mined Land Reclamation Act and the rules and regulations adopted in accordance therewith.

WHEREAS, the Board has considered the factual information and recommendations provided by the staff of the Division of Oil, Gas, and Mining as to the magnitude, type and costs of the approved reclamation activities planned for the land affected

WHEREAS, the Board is cognizant of the nature, extent, duration of operations, the financial status of the Operator and his capabilities of carrying out the planned work

THEREFORE, for and in consideration of the mutual covenants of the parties by each to the other made and herein contained, the parties hereto agree as follows:


1. The Operator promises to reclaim the land affected in accordance with the approved Mining and Reclamation Plan, the Mined Land Reclamation Act, and the Rules and Regulations adopted in accordance therewith.
2. The Board, in lieu of the posting of a bond or other surety, accepts the personal guarantee of the Operator to reclaim the land affected.
3. The Board and Operator both agree that the Operator will not be obligated to expend a sum in excess of that required to complete the reclamation work outlined in the Mining and Reclamation Plan which was designed for the mining operation as submitted to the Division on the 28th day of January, 1977, and which has been estimated to cost \$ 13,571.00.

IN WITNESS WHEREOF, the parties of the first and second parts hereto have respectively set their hands and seals this 23rd day of August, 1977.

By: 

Harold P. Cahoon
Vice President & General Manager

ATTEST:


Secretary

BOARD OF OIL, GAS, AND MINING

By: 

Chairman
I. DANIEL STEWART

Note: If the Operator is a corporation, the agreement should be executed by its duly authorized officer with the seal of the corporation affixed.

3. If necessary, DOGM technical staff perform a field inspection to verify current status of mining operations (within 30 days of notification - weather permitting).

If surety is jointly held, then a joint agency onsite inspection is performed by the respective agencies.

4. The permit lead prepares written documentation (memorandum) summarizing results of field inspection, any required reclamation surety changes and other pertinent details of the permit transfer. The permit transfer application and a memorandum are forwarded to the Director with appropriate recommendations concerning the request for permit transfer and surety release.
5. Director reviews the supporting documentation, signs and dates the application if everything is complete and approvable. The permit lead is notified accordingly.
6. The permit lead prepares draft letter for the Director's signature regarding approval or disapproval of request for permit transfer and surety release. Letter is signed by the Director and forwarded to the operator.

Joint agency concurrence is obtained prior to release of surety by DOGM. If the surety is held by an agency other than DOGM, that agency is formally notified of DOGM's recommendation regarding surety release.

7. DOGM technical staff make necessary changes in computer tracking system concerning the permit transfer and release or adjustment of the reclamation surety. The technical staff also prepares the proper forms for file retirement.

FINAL NOTE: The Director also has signatory authority to release a Small Mining Operator from further reclamation and revegetation obligations upon successful completion of his reclamation responsibilities.

C. Surety Release by the Board - FULL/PARTIAL RECLAMATION
(Board Contracts only)

1. DOGM receives formal written request for surety release from operator.
2. DOGM technical staff perform necessary field inspection to verify complete reclamation and revegetation success (within 30 days of notification).

If surety is jointly held, then a joint agency onsite inspection is performed by the respective agencies.

3. The permit lead prepares written documentation (memorandum) summarizing results of the reclamation work performed and revegetation success. A memorandum is prepared for the Board of Oil, Gas and Mining, directed through the Associate Director with appropriate recommendations concerning the operator's request for release.
4. Associate Director reviews documentation and forwards finalized recommendation to the Chairman of the Board for approval or denial.
5. The permit lead prepares a draft letter for the Director's signature regarding approval or disapproval of request for "Board Contract" surety release. Letter is signed by the Director and forwarded along with the original surety to the operator.

Joint agency concurrence is obtained prior to release of surety by Board and DOGM. The other agency is provided a copy of final decision.

6. DOGM technical staff make necessary changes in computer tracking system concerning release of reclamation surety and also prepares proper forms for file retirement.

dwh/jb
MN98/1-4

Administrative Approval: <u>Dennis P. Nielson</u>
Date: <u>2-7-90</u>

Board Concurrence 5/24/90

3. If necessary, DOGM technical staff perform a field inspection to verify current status of mining operations (within 30 days of notification - weather permitting).

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If surety is jointly held, then a joint agency onsite inspection is performed by the respective agencies.

3. The permit lead prepares written documentation (memorandum) summarizing results of the reclamation work performed and revegetation success. A memorandum is prepared for the Board of Oil, Gas and Mining, directed through the Associate Director with appropriate recommendations concerning the operator's request for release.
4. Associate Director reviews documentation and forwards finalized recommendation to the Chairman of the Board for approval or denial.
5. The permit lead prepares a draft letter for the Director's signature regarding approval or disapproval of request for "Board Contract" surety release. Letter is signed by the Director and forwarded along with the original surety to the operator.

Joint agency concurrence is obtained prior to release of surety by Board and DOGM. The other agency is provided a copy of final decision.
6. DOGM technical staff make necessary changes in computer tracking system concerning release of reclamation surety and also prepares proper forms for file retirement.

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